

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	
Matthew Dewayne Campbell)	CASE NO: 3:18-bk-03484
xxx-xx-5573)	
)	
Erin Kelly Campbell)	CHAPTER 13
xxx-xx-2521)	
Debtors and Movants)	JUDGE CHARLES M. WALKER
)	

**EXPEDITED MOTION TO MODIFY PLAN TO TEMPORARILY SUSPEND CHAPTER
13 PLAN PAYMENTS**

Come now the Debtors, by and through counsel, pursuant to Local Rule 9075-1, and request an expedited hearing on a Motion to modify plan to temporarily suspend Chapter 13 payments. In support of this Motion, Debtors state the following:

1. **Expedited Relief Requested:** Debtors move for an order to modify the Chapter 13 plan to temporarily suspend payments for a period of two (2) months.
2. **Reason for Urgency:** Debtors request that the Court hear this Motion on an expedited basis because Debtor's doctor restricted his activity due to a shoulder injury. Therefore, he is not receiving any income for approximately six (6) to eight (8) weeks while he rehabilitates his shoulder.
3. **Notice:** Once an Order setting a hearing on this motion is entered, Debtors' counsel will give notice to the United States Trustee and Chapter 13 Trustee via electronic service through the ECF filing system and to the Debtor and creditors by first-class United States mail.
4. **Proposed Hearing Date:** Debtors propose that this Expedited Motion be set for hearing on Wednesday, December 12, 2018, at 8:30 am in Courtroom 1, Customs House, 701 Broadway, Nashville, Tennessee, allowing at least one week's notice to the parties involved, or on the next available docket this Court deems appropriate.
5. **Information in Support of the Motion:** In support of this Motion, Debtors represent the following:

- a. Debtor incurred a work-related injury at his previous employer in 2016.
- b. Recently, his shoulder injury has returned and he may have to undergo surgery.
- c. Debtor's doctor restricted Debtor's activity due to Debtor's injury. Because of this, Debtor is not able to work for approximately six (6) to eight (8) weeks. Debtor will not be receiving income during this time.
- d. Debtor anticipates returning to work after approximately six (6) to eight (8) weeks.
- d. Joint Debtor is employed and is continuing to work.
- e. Despite Debtors' best efforts, funding of the plan will leave the Debtors without sufficient income to meet necessary living expenses. *See attached Amended Family Budget.*

Debtors propose as follows:

- i. To modify the Chapter 13 plan to temporarily suspend Chapter 13 Plan payments for a period of two (2) months.
- ii. During the period of suspension, the Trustee refund to the Debtors any funds received.
- iii. After the period of suspension, the plan payments remain at \$450.00 weekly for Debtor and \$450.00 weekly for Joint Debtor.
- iv. The guaranteed minimum dividend to allowed unsecured claims remain at 75%.
- v. After the period of suspension, the Debtors make all future payments in accordance with the confirmed Chapter 13 plan and that should the Debtors fail to make any payment as required, without further approval of the court, the case will be dismissed upon filing of notice by the Trustee, without further hearing.
- vi. Within forty-five (45) days of entry of this order, the Debtors shall attend the Trustee's financial Management class.
- vii. That the Debtors will forward all tax refunds received during the remainder of the case and subsequent to this order to the trustee for application to the plan.

WHEREFORE, PREMISES CONSIDERED, Debtors pray for an order temporarily suspending chapter 13 plan payments for a period of 2 months.

Respectfully submitted,

/s/Alise Housden

Alise Housden Reg. #34282

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IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:

Matthew Dewayne Campbell
Erin Kelly Campbell
DEBTORS

CASE NO. 3:18-bk-03484

CHAPTER 13

JUDGE Charles M. Walker

AMENDED MONTHLY FAMILY BUDGET

	<u>Prior Budget</u>		<u>Current Budget</u>	
Dates of Budgets:	<u>5/23/2017</u>		<u>11/29/2018</u>	
<u>EXPENSES</u>				
Rent/Mortgage Payment:			<u>\$0.00</u>	<u>\$0.00</u>
Utilities:	Prior	Current		
Electric, heat, natural gas	<u>\$300.00</u>	<u>\$300.00</u>		
Water, sewer	<u>\$120.00</u>	<u>\$120.00</u>		
Telephone/Cell Phone/Inet/Cable	<u>\$440.00</u>	<u>\$440.00</u>		
Home Maintenance	<u>\$100.00</u>	<u>\$100.00</u>		
HOA Dues	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Utilities			\$960.00	\$960.00
Food			<u>\$800.00</u>	<u>\$800.00</u>
Child Care, Children Education Costs			<u>\$50.00</u>	<u>\$50.00</u>
Clothing, Laundry, dry cleaning			<u>\$150.00</u>	<u>\$150.00</u>
Personal Care Products			<u>\$100.00</u>	<u>\$100.00</u>
Medical and Dental Expenses			<u>\$200.00</u>	<u>\$200.00</u>
Transportation (not including car pmts)			<u>\$600.00</u>	<u>\$600.00</u>
Insurance (not deducted from wages):				
Auto	<u>\$160.00</u>	<u>\$300.00</u>		
Life	<u>\$0.00</u>	<u>\$0.00</u>		
Home	<u>\$0.00</u>	<u>\$0.00</u>		
Renters	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Insurance:			\$160.00	\$300.00
Taxes: (not deducted from wages)			<u>\$0.00</u>	<u>\$0.00</u>
Domestic Support (Alimony, Child Support)			<u>\$0.00</u>	<u>\$0.00</u>
Car Payments			<u>\$0.00</u>	<u>\$0.00</u>
Other Monthly Expenses				
Entertainment			<u>\$100.00</u>	<u>\$100.00</u>
Charitable/Religious Donations			<u>\$400.00</u>	<u>\$400.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
TOTAL MONTHLY EXPENSES:			<u>\$3,520.00</u>	<u>\$3,660.00</u>

INCOME

			<u>Prior Budget</u>	<u>Current Budget</u>
Debtor's Gross Income:			<u>\$4,875.13</u>	<u>\$0.00</u>
Spouse's Gross Income:			<u>\$5,416.67</u>	<u>\$5,416.67</u>
Payroll Deductions:				
Payroll Taxes	<u>\$1,819.22</u>	<u>\$887.03</u>		
401(k)	<u>\$0.00</u>	<u>\$0.00</u>		
Insurance	<u>\$568.79</u>	<u>\$568.79</u>		
401(k) Loan	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Total Payroll Deductions:			<u>\$2,388.01</u>	<u>\$1,455.82</u>
Other Regular Income:				
Support/Alimony	<u>\$0.00</u>	<u>\$0.00</u>		
Pension/SS/VA	<u>\$0.00</u>	<u>\$0.00</u>		
Family Contributions	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Other Regular Income:			<u>\$0.00</u>	<u>\$0.00</u>
TOTAL MONTHLY INCOME:			<u>\$7,903.79</u>	<u>\$3,960.85</u>

SUMMARY:

Total Monthly Income	<u>\$7,903.79</u>	<u>\$3,960.85</u>
Minus Total Monthly Expenses	<u>\$3,520.00</u>	<u>\$3,660.00</u>
Equals Monthly Surplus:	<u>\$4,383.79</u>	<u>\$300.85</u>

Monthly Plan Payment:	<u>\$3,900.00</u>	<u>\$0.00</u>
Duration of Plan (months):	<u>60 Months</u>	<u>56 Months Remaining</u>
Dividend to Unsecured Creditors ('	<u>75.00%</u>	<u>75.00%</u>
Secured Creditors Affected:		

*Explain any increase/decrease in income/expenses that exceeds 10%:

Debtors' car insurance increased because Joint Debtor received a traffic ticket.

<u>/s/ Matthew Dewayne Car</u>	<u>/s/ Erin Kelly Campbell</u>
<i>Debtor</i>	<i>Joint Debtor</i>
<u>November 29, 2018</u>	<u>November 29, 2018</u>
<i>Date</i>	<i>Date</i>